

Appl. No. 10/686,461
Atty. Docket: 2002B165A
Amdt. dated September 25, 2006
Reply to Office Action of August 28, 2006

REMARKS/ARGUMENTS

Claim Status – Request for Reconsideration

Reconsideration of this application is requested. The claims presented for reconsideration are claims 1-15, 17-24, 26-43, 45-66, 68-77, and 90-92, as amended.

Independent claims 1, 28, and 53 have been amended to include the features recited in now canceled dependent claims 16, 44, and 67, respectively. In addition, because claims 16, 44, and 67 have been canceled, claims from which they depend (*i.e.*, claims 17 and 20, claims 45 and 48, and claim 71, respectively) have also been amended to correct their dependency. Accordingly, no new matter is entered by way of this amendment.

Claim Rejections

Claims 1-15, 24, 26-43, 52-66, 75-77, and 90-92 were rejected under 35 USC § 103(a), in various combinations, as being obvious for the reasons set forth on pp. 4-7 of the Office Action. Applicants respectfully traverse this rejection and request reconsideration of the claims, as amended.

As mentioned above, independent claims 1, 28, and 53 have been amended by including all of the features recited in now canceled dependent claims 16, 44, and 67, respectively. Specifically, p. 8 of the Office Action cites the features of contaminants selected from the group consisting of iron, sodium, and potassium as not disclosed or suggested in the prior art. These allowable subject matter features have been added to independent claims 1, 28, and 53, as noted above.

As such, Applicants respectfully submit, and the Examiner has acknowledged, that the pending claims, as amended, are not obvious over any cited prior art. Thus, Applicants respectfully submit that the obviousness rejection cannot be maintained and respectfully request its reconsideration and withdrawal.

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Claims 1, 6, 11, 24, 28, and 40 were also rejected on the ground of non-statutory obviousness-type double patenting and provisional non-statutory obviousness-type double patenting for the reasons set forth on pp. 2-4 of the Office Action. Applicants respectfully request reconsideration of these rejections.

Regarding the non-provisional double patenting rejection, Applicants understand that the Examiner, despite the still-changeable nature of the claims, must maintain this rejection. Applicants respectfully submit a Terminal Disclaimer herewith regarding U.S. Patent No. 6,846,966, in order to obviate this portion of the rejection. However, regarding the provisional double-patenting rejection, because the instant claims are not yet set, and because claims 25, 28, and 48 of U.S. Patent Application Serial No. 10/865,281 are not yet allowed, Applicants respectfully submit that a terminal disclaimer need not be submitted for this reference, *e.g.*, until such point as at least one of the two respective sets of claims are allowable but for such double-patenting rejections. At that juncture, Applicants will, if necessary, submit the appropriate terminal disclaimer(s) to obviate any then-pending double patenting rejections.

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CONCLUSION

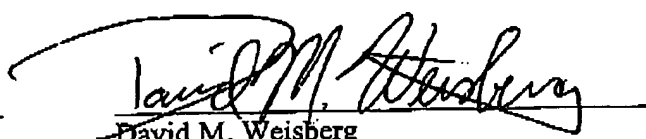
Having demonstrated that the claims of this application are allowable, this application is in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B165A).

Respectfully submitted,

Date: 9/25/06


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